

# 2019 CDBG-DR Anti-Displacement and Relocation Plan

The Oklahoma Department of Commerce



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# Introduction to the Anti-Displacement and Relocation Plan

The Oklahoma Department of Commerce (ODOC) created this Anti-Displacement and Relocation Plan (ADRP) to describe how the State will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and Section 104(d) of the Housing and Community Development Act (HCD) in situations where tenants could be permanently displaced by activities in the 2019 Community Development Block Grant Disaster Recovery Program (CDBG-DR).

This Plan describes how ODOC provides fair and equitable treatment of tenants (a “tenant” is one who temporarily uses real property owned by another) who are displaced in connection of the State’s Voluntary Buyout Program. In addition, the Plan outlines the type of relocation assistance available to displaced tenants.



ODOC is adopting the waiver provided through Section IV.F.1 of the Consolidated Notice, Section 104(d) One-for-One Replacement of Lower Income Dwelling Units. To comply with this alternative requirement, ODOC is defining a property as “not suitable for rehabilitation” if any of these conditions apply:

1. The property is declared a total loss.
2. Repairs would exceed 50% of the cost of reconstruction.
3. The home is in the 100-year floodplain or is part of the Disaster Risk Reduction Area as defined in the State’s 2019 CDBG-DR Action Plan and Voluntary Buyout Program Guidelines.

Subgrantees are required to adopt this plan or create their own. Plans created by subgrantees must be reviewed and approved by ODOC. Plans must comply with the Uniform Relocation Act.

## Staff Contacts

Please contact Jade Shain or Rebecca LaVictoire if you have any questions or comments.

<p><b>Jade Shain</b> Programs Planner Community Development (CDBG-DR) Oklahoma Department of Commerce <a href="mailto:Jade.Shain@okcommerce.gov">Jade.Shain@okcommerce.gov</a></p> 	<p><b>Rebecca LaVictoire</b> Programs Manager Community Development (CDBG-DR) Oklahoma Department of Commerce <a href="mailto:Rebecca.LaVictoire@okcommerce.gov">Rebecca.LaVictoire@okcommerce.gov</a></p> 
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## Background to the 2019 CDBG-DR Program

Oklahoma experienced severe storms from May 7, 2019, through June 9, 2019. These storms brought straight-line winds, tornadoes, and significant flooding to several communities throughout the state.

Due to the extensive damage to housing and infrastructure from these storm events, an allocation notice was issued by the United States Department of Housing and Urban Development (HUD) in Federal Register Notice Vol. 85, No. 17, Page 4681 Public Law 116-20. This Federal Register Notice states that Oklahoma is eligible to receive an allocation of \$36,353,000 in disaster recovery funds for necessary expenses for activities authorized under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et. Seq.) to address long-term recovery needs, particularly in housing recovery that focuses on low- and moderate-income beneficiaries. Per the Federal Register Notice, funds can only be expended in the areas included in the Presidentially Declared Disaster as a result of the incident period (May 7, 2019, to June 9, 2019) as defined by the applicable Disaster Declaration 4438. Within these eligible areas, the Federal Register Notice requires that a minimum of \$29,082,000, or 80% of the total State's \$36,353,000 CDBG-DR funding allocation, must be expended on CDBG eligible disaster related activities in Muskogee, Tulsa, and Sequoyah counties (see map below).



Standard Code for Information Interchange) – Allows TTY Users to type their conversation.

The Hotline is the primary means to submit allegations of fraud, waste, abuse, mismanagement, or whistleblower related matters within the U.S. Department of Housing and Urban Development (HUD) and HUD Funded programs to the Office of Inspector General (OIG).

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.

# The Uniform Relocation Act

## Objectives of the URA

According to the HUD Exchange website<sup>1</sup>, the objectives of the URA are as follows:

1. To provide uniform, fair, and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects.
2. To ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement.
3. To ensure that no individual or family is displaced unless decent, safe, and sanitary (DSS) housing is available within the displaced person's financial means.
4. To help improve the housing conditions of displaced persons living in substandard housing
5. To encourage and expedite acquisition by agreement and without coercion.

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<sup>1</sup> Real Estate Acquisition and Relocation Overview in HUD Programs:  
<https://www.hudexchange.info/programs/relocation/overview/#overview-of-the-ura>

The protections of the URA are described in 49 CFR Part 24<sup>2</sup> and in the HUD Handbook section 1378<sup>3</sup>. ODOC will ensure that the objectives of the URA are met during the lifetime of Oklahoma's 2019 CDBG-DR program.

## Triggers of the URA

The protections and requirements of the URA are triggered *when any one of the three* activities occur using federal funds that involuntarily displace tenants:

1. The acquisition of real property
2. The rehabilitation of real property
3. The demolition of real property

## Activities in the 2019 CDBG-DR Program that Trigger the URA

The 2019 CDBG-DR program has one activity (the Voluntary Buyout Program) that triggers URA protections. See the table below for more details.

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<sup>2</sup> 49 CFR Part 24 Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs; Final Rule: <https://www.govinfo.gov/content/pkg/FR-2005-01-04/pdf/05-6.pdf>

<sup>3</sup> Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0): [https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780)

Project Title	Description	URA Trigger	Temporary Displacement	Permanent Displacement	Voluntary or Involuntary (owner occupied)	Voluntary or Involuntary (tenant occupied)	URA Requirements
Single-Family Housing Rehabilitation	The 2019 CDBG-DR Single-family Rehabilitation Program exists to provide decent, safe, and sanitary housing in the disaster-impacted areas. Homes will be repaired or restored to applicable construction codes and standards.	Rehabilitation	No	No	Voluntary	N/A. This program is available only to homeowners .	No displacement anticipated for this program. Should temporary relocation assistance be required, it may be offered at the discretion of the subrecipient. The assistance may not exceed \$15,000 per household.



Voluntary Buyout Program	The 2019 CDBG-DR Voluntary Buyout Program (VBP) is intended to help eligible Oklahomans relocate from the 100-year floodplain, floodway, or Disaster Risk Reduction Areas (DRRA). The goal of this program is to voluntarily buyout such properties and convert them to open space, green space, recreational grounds, or floodplain management areas. Properties purchased with CDBG-DR funds shall be deed-restricted to remain as green space, recreational space, or floodplain management areas in perpetuity. Residential, commercial, and industrial development on properties acquired under the VBP is prohibited.	Acquisition	No	Yes	Voluntary	Involuntary	Participation in the VBP is 100% voluntary. Since participation is voluntary, there are no URA requirements that ODOC must comply with. However, if a landlord voluntarily participates and has tenants at the property, the tenant is not considered a voluntary participant in the VBP. In such cases, the protections and responsibilities described in the URA are triggered for the tenant. URA will assist eligible tenants with finding comparable replacement property, paying for moving costs, and covering increased cost of the replacement housing for forty-two (42) months (see this Federal Register notice for more details: <a href="https://www.federalregister.gov/documents/2005/01/04/05-6/uniform-relocation-assistance-and-real-property-acquisition-for-federal-and-federally-assisted">https://www.federalregister.gov/documents/2005/01/04/05-6/uniform-relocation-assistance-and-real-property-acquisition-for-federal-and-federally-assisted</a> )
Public Facilities and Improvements Program	The 2019 CDBG-DR Public Facilities and Infrastructure program exists to repair infrastructure that was damaged during DR-4438.	None	No	No	N/A	N/A	ODOC does not anticipate any projects triggering URA requirements. However, the Infrastructure Rehabilitation Program will comply with all URA requirements.
Admin	Administration costs for ODOC to carry out the objectives in the 2019 CDBG-DR Action Plan.	No	No	N/A	N/A	None	None
Planning	Statewide floodplan.	No	No	N/A	N/A	None	None

## Eminent Domain

The State of Oklahoma will not use its eminent domain authority to acquire residential properties in the 2019 CDBG-DR Voluntary Buyout Program. As the name of the program suggests, participation by property owners is entirely voluntary.

## Beneficiaries Covered by this Anti-Displacement and Relocation Plan

URA assistance is not available for property owners that voluntarily participate in the VBP. URA assistance is available for tenants who are involuntarily displaced by their landlord's decision to voluntarily participate in the VBP.

## ODOC and Subgrantee Responsibilities

Per 49 CFR 24.205(a) and (b)), ODOC will:

1. **Minimize Displacement** – ODOC shall assure that all reasonable steps are taken to minimize displacement because of an activity conducted under the 2019 CDBG-DR program. For example, if feasible, a residential occupant of a building to be rehabilitated shall be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary, and affordable dwelling unit in the building/complex following completion of the project. If feasible, ODOC shall consider conducting projects in phases to minimize displacement.
2. **Budgetary Planning** – ODOC shall ensure that sufficient funds are budgeted to comply with applicable laws and regulations.
3. **Coordination** – ODOC shall take the steps necessary to ensure cooperation and coordination among government agencies, neighborhood groups and affected persons so that the project can proceed efficiently with minimal duplication of effort.
4. **Consultation with Property Occupants** – ODOC or its subgrantees, where feasible, shall consult with the occupants of the site to be acquired, rehabilitated, or demolished at an early stage.
5. **Relocation Notices** – ODOC or its subgrantees will provide the household affected by the project proper relocation brochures and notices.

## Relocation Brochures

When a project will displace an individual, either temporarily or permanently, affected households will be provided the information necessary to understand their rights under the Uniform Relocation Act. ODOC or its subgrantee will send each affected household one of each of the following five HUD brochures as appropriate for the circumstance.

### When a Public Agency Acquires Your Property

[English](#)

### Relocation Assistance to Tenants Displaced from Their Homes

[English](#)

[Arabic](#)

[Korean](#)

[Mandarin](#)

[Russian](#)

[Spanish](#)

[Vietnamese](#)

### Relocation Assistance to Displaced Homeowner Occupants

[English](#)

[Arabic](#)

[Korean](#)

[Mandarin](#)

[Russian](#)

[Spanish](#)

[Vietnamese](#)

### Relocation Assistance to Displaced Businesses, Nonprofit Organizations and Farms

[English](#)

[Arabic](#)

[Korean](#)

[Mandarin](#)

[Russian](#)

[Spanish](#)

[Vietnamese](#)

### Relocation Assistance to Persons Displaced from their Homes (Section 104(d))

Households that are LEP and non-Spanish speaking will be provided language access services as described in the 2019 CDBG-DR Language Access Plan<sup>4</sup> available on the ODOC disaster recovery website.

## Relocation Notices

Tenants have the right to receive timely notifications that inform them of any URA benefits they are eligible to receive. This section of the Plan describes the required notices that tenants will receive from ODOC and/or its subrecipient.

As described in the section “Activities in the 2019 CDBG-DR Program that Trigger the URA”, the Voluntary Buyout Program will result in permanent relocation since there is no intention to re-build the residential structure once it is demolished.

There are four types of permanent relocation notices that tenants may receive as applicable. Notices will be either personally delivered to the property owner OR will be sent by certified/first class mail (with return receipt requested).

1. **General Information Notice:** This notice informs households in the project area that they may potentially be displaced. This letter is sent to property owners as soon as feasible.
2. **Notice of Eligibility:** This notice describes the relocation assistance available for households that will be displaced by the project. This letter is sent to property owners as soon as feasible.
3. **90-Day Notice:** Once a comparable replacement home has been located, this notice is sent to inform the household of the earliest date by which they will be required to move.

Each one of these notices is attached in the Appendix.

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<sup>4</sup> 2019 CDBG-DR Language Access Plan; Improving Access to the Community Development Block Grant Disaster Recovery Program in the State of Oklahoma:  
<https://www.okcommerce.gov/wp-content/uploads/Language-Access-Plan.pdf>

Notice Type	Permanent Relocation	Temporary Relocation	No Anticipated Relocation	Timeline
<b>General Information Notice</b>				
<i>Residential Tenant Not Displaced</i>			X	At site selection.
<i>Non-residential Tenant Not Displaced</i>			X	At site selection.
<i>Residential Tenant to be Displaced</i>	X	X		At site selection.
<i>Non-residential Tenant to be Displaced</i>	X	X		At site selection.
<b>Notice of Eligibility</b>	X	X		
<i>Non-residential Tenant Eligibility for Relocation Assistance</i>	X	X		At site selection.
<i>Residential Tenant Eligibility for Relocation Assistance</i>				At site selection.
<b>90-Day Notice</b>	X	X		
<i>Residential Tenant</i>	X	X		90 days before required move out date.
<i>Non-residential Tenant</i>	X	X		90 days before required move out date.

## Inspections of Housing

Subgrantees are required to find decent, sanitary, and safe replacement housing for beneficiaries who are involuntarily displaced by a CDBG-DR activity. Landlords will not receive payment until the tenant has found decent, sanitary, and safe housing. The two checklists subgrantees must use are attached to this PDF.

## Cost Allowability

## Appeals

All people impacted by the Voluntary Buyout Program have the right to appeal decisions made by ODOC under 49 CFR 24.10.

1. ODOC will review all appeals in less than 21 business days.
2. There is a time limit for initiating an appeal. The time limit shall be 61 days after the applicant receives written notification of the ODOC's determination on the tenants' claim.
3. Applicants have a right to legal representation at their own expense.
4. ODOC shall permit an applicant to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential by ODOC. ODOC may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.
5. In deciding an appeal, ODOC shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.
6. Promptly after receipt of all information submitted by a person in support of an appeal, ODOC shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the applicant a copy. If the full relief requested is not granted, ODOC shall advise the person of his or her right to seek judicial review of the Agency decision.
7. The ODOC official conducting the review of the appeal shall be Executive Director of the Oklahoma Department of Commerce or his or her authorized designee. However, the official shall not have been directly involved in the action being appealed.

## Relocation Assistance for Tenants

ODOC and its subgrantees are prepared to assist tenants of properties acquired through the 2019 CDBG-DR Voluntary Buyout Program. Since there is no intention of replacing the housing in the 100-year floodplain or in the Disaster Risk Reduction Area, ODOC considers such tenants to be permanently displaced.

Tenants, meaning those who occupy real property owned by someone else, are entitled to the following benefits under the URA:

1. Relocation services.
2. Rental assistance for 42 months.
3. Moving expenses.
4. Storage expenses.
5. At least one (1) comparable rental replacement offered.
6. Cost of the disconnection and reconnection of utilities.

## Eligibility Requirements for Relocation Assistance

Displaced tenants are required to meet the following eligibility requirements, as described in [§ 24.208 Aliens not lawfully present in the United States](#), for relocation assistance under the Uniform Relocation Act.

(a) Each person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify:

(1) In the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.

(2) In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.

(3) In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.

(4) In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.

(b) The certification provided pursuant to **paragraphs (a)(1), (a)(2), and (a)(3)** of this section shall indicate whether such person is either a citizen or national of the United States, or an alien who is lawfully present in the United States. Requirements concerning the certification in addition to those contained in this rule shall be within the discretion of the Federal funding Agency and, within those parameters, that of the displacing Agency.

(c) In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be legally present in the United States, no relocation payments may be made to him or her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible shall be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization, based on the ratio of ownership between eligible and ineligible owners.

(d) The displacing Agency shall consider the certification provided pursuant to **paragraph (a)** of this section to be valid, unless the displacing Agency determines in accordance with **paragraph (f)** of this section that it is invalid based on a review of an alien's documentation or other information that the Agency considers reliable and appropriate.

(e) Any review by the displacing Agency of the certifications provided pursuant to **paragraph (a)** of this section shall be conducted in a nondiscriminatory fashion. Each displacing Agency will apply the same standard of review to all such certifications it receives, except that such standard may be revised periodically.

(f) If, based on a review of an alien's documentation or other credible evidence, a displacing Agency has reason to believe that a person's certification is invalid (for example a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it shall obtain the following information before making a final determination:

(1) If the Agency has reason to believe that the certification of a person who has certified that he or she is an alien lawfully present in the United States is invalid, the displacing Agency shall obtain verification of the alien's status from the local Bureau of Citizenship and Immigration Service (BCIS) Office. A list of local BCIS offices is available at <http://www.uscis.gov/graphics/fieldoffices/alphaa.htm>. Any request for BCIS verification shall include the alien's full name, date of birth and alien number, and a copy of the alien's documentation. (If an Agency is unable to contact the BCIS, it may contact the FHWA in Washington, DC, Office of Real Estate Services or Office of Chief Counsel for a referral to the BCIS.)

(2) If the Agency has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the displacing Agency shall request evidence of United States citizenship or



nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.

(g) No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the displacing Agency's satisfaction that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States.

(h) For purposes of **paragraph (g)** of this section, "exceptional and extremely unusual hardship" to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:

(1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;

(2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or

(3) Any other impact that the displacing Agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.

(i) The certification referred to in **paragraph (a)** of this section may be included as part of the claim for relocation payments described in **§ 24.207 of this part**.

## Recordkeeping Requirements

ODOC and its subgrantees will follow all recordkeeping requirements as stated in 2 CFR 200.333–.337.

For more information, please refer to the following documents that go into more detail for recordkeeping requirements:

1. 2019 CDBG-DR Policies and Procedures Manual
2. 2019 CDBG-DR Citizen Participation Plan

Tenants receiving URA benefits will be encouraged to retain all program correspondence, receipts, cost estimates, negotiations, contracts, etc., for a period of at least seven (7) years after the closeout of the 2019 CDBG-DR program.

## Appendix

### Document History

This section of the ADRP summarizes changes made to the plan.

Date	Version	Description
07/11/2022	0.1	Original document. This was developed after the June 2022 HUD monitoring session.
	0.2	
	0.3	Internal review copy
	0.4	Addressed internal review comments
	0.5	HUD review
	0.6	Addressed HUD review comments
05/09/2023	1	Published

### Checklists for DSS Replacement Housing

Subgrantees are required to use *R/W Form 475-B* for Decent, Safe, and Sanitary replacement housing.

Relocatee \_\_\_\_\_

Project \_\_\_\_\_

County \_\_\_\_\_

Parcel \_\_\_\_\_

**B. REPLACEMENT HOUSING INSPECTION REPORT (D.S.S.)**

ADDRESS OF DWELLING INSPECTED

\_\_\_\_\_

Type of Dwelling		Number of Occupants		Living Area	
Single Family	Duplex	Adults: Male	Female	Square Footage	
Multi-Family	Room	Children: Male	Female	No. of Rooms	Br.
Mobile Home	Other	Total Occupants:			

**GENERAL CONDITION OF REPLACEMENT DWELLING**

	Yes	No No		Yes	
Adequate for Family			Adequate Heating		
Conforms to Local Codes and Ordinances			Adeq. Plumbing and Electric Facilities		
Has Safe Electrical Wiring for Lighting & Other Electric Devices			Second Story Unit has 2 Means of Egress at Ground Level		
Adequate State of Repair			Complies with Fair Housing		
Weathertight			Adequate for Handicapped		

**KITCHEN  
FEATURES**

	Yes	No No		Yes	
Designated Kitchen Area			Sink Properly Connected to Sewer		
Sink in Good Working Order			Space for Stove & Refrigerator		
Sink Connected to Hot & Cold Water			Utility Connections for Stove & Ref.		

**BATHROOM  
FEATURES**

	Yes	No No		Yes	
Designated Bathroom Area			Has Toilet		
Affords Privacy			Proper Lighting		
Lavatory has Hot & Cold Water			All Fixtures Connected to Sewer		
Bathtub or Shower Stall			Proper Ventilation		

I have inspected the dwelling on this date and I find that it does (not) comply with decent, safe and sanitary standards.

Deficiencies (if applicable)

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Relocation Agent

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Date

R/W Form 475-B

# Lead Screening Worksheet

*Adapted from the State's ESG Program*

## *About this Tool*

The Lead Screening Worksheet is intended to guide grantees through the lead-based paint inspection process to ensure compliance with the rule. ESG staff can use this worksheet to document any exemptions that may apply, whether any potential hazards have been identified, and if safe work practices and clearance are required and used. A copy of the completed worksheet along with any additional documentation should be kept in each program participant's case file.

## *Instructions*

To prevent lead-poisoning in young children, ESG grantees must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, M, and R. Under certain circumstances, a visual assessment of the unit is not required. This screening worksheet will help program staff determine whether a unit is subject to a visual assessment, and if so, how to proceed. A copy of the completed worksheet along with any related documentation should be kept in each program participant's file.

## **PART 1: DETERMINE WHETHER THE UNIT IS SUBJECT TO A VISUAL ASSESSMENT**

If the answer to one or both of the following questions is 'no,' a visual assessment is not triggered for this unit and no further action is required at this time. Place this screening worksheet and related documentation in the program participant's file. If the answer to both questions is 'yes,' then a visual assessment is triggered for this unit and program staff should continue to Part 2.

1. Was the leased property constructed before 1978?
  - a. Yes
  - b. No
2. Will a child under the age of six be living in the unit occupied by the household receiving ESG assistance?
  - a. Yes
  - b. No

## **PART 2: DOCUMENT ADDITIONAL EXEMPTIONS**

If the answer to any of the following questions is 'yes,' the property is exempt from the visual assessment requirement and no further action is needed at this point. Place this screening sheet and supporting documentation for each exemption in the program participant's file. If the answer to all of these questions is 'no,' then continue to Part 3 to determine whether deteriorated paint is present.

1. Is it a zero-bedroom or SRO-sized unit?
  - a. Yes
  - b. No
2. Has X-ray or laboratory testing of all painted surfaces by certified personnel been conducted in accordance with HUD regulations and the unit is officially certified to not contain lead-based paint?
  - a. Yes
  - b. No
3. Has this property had all lead-based paint identified and removed in accordance with HUD regulations?
  - a. Yes
  - b. No
4. Is the client receiving Federal assistance from another program, where the unit has already undergone (and passed) a visual assessment within the past 12 months (e.g., if the client has a Section 8 voucher and is receiving HPRP assistance for a security deposit or arrears)?
  - a. Yes (Obtain documentation for the case file.)

- b. No
- 5. Does the property meet any of the other exemptions described in 24 CFR Part 35.115(a).
  - a. Yes
  - b. No

Please describe the exemption and provide appropriate documentation of the exemption.

### **PART 3: DETERMINE THE PRESENCE OF DETERIORATED PAINT**

To determine whether there are any identified problems with paint surfaces, program staff should conduct a visual assessment prior to providing ESG financial assistance to the unit as outlined in the following training on HUD's website at: <http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

If no problems with paint surfaces are identified during the visual assessment, then no further action is required at this time. Place this screening sheet and certification form (Attachment A) in the program participant's file. If any problems with paint surfaces are identified during the visual assessment, then continue to Part 4 to determine whether safe work practices and clearance are required.

- 1. Has a visual assessment of the unit been conducted?
  - a. Yes
  - b. No
- 2. Were any problems with paint surfaces identified in the unit during the visual assessment?
  - a. Yes
  - b. No (Complete Attachment 1 – Lead-Based Paint Visual Assessment Certification Form)

### **PART 4: DOCUMENT THE LEVEL OF IDENTIFIED PROBLEMS**

All deteriorated paint identified during the visual assessment must be repaired prior to clearing the unit for assistance. However, if the area of paint to be stabilized exceeds the de minimus levels (defined below), the use of lead safe work practices and clearance is required.

If deteriorating paint exists but the area of paint to be stabilized does not exceed these levels, then the paint must be repaired prior to clearing the unit for assistance, but safe work practices and clearance are not required.

- 1. Does the area of paint to be stabilized exceed any of the de minimus levels below?
  - a. 20 square feet on exterior surfaces
    - i. Yes
    - ii. No
  - b. 2 square feet in any one interior room or space
    - i. Yes
    - ii. No
  - c. 10 percent of the total surface area on an interior or exterior component with a small surface area, like window sills, baseboards, and trim
    - i. Yes
    - ii.
    - iii. No

If any of the above are 'yes,' then safe work practices and clearance are required prior to clearing the unit for assistance.

### **PART 5: CONFIRM ALL IDENTIFIED DETERIORATED PAINT HAS BEEN STABILIZED**

Program staff should work with property owners/managers to ensure that all deteriorated paint identified during the visual assessment has been stabilized. If the area of paint to be stabilized does not exceed the de minimus level, safe work practices and a clearance exam are not required (though safe work practices are always recommended). In these cases, the ESG program staff should confirm that the identified deteriorated paint has been repaired by conducting a follow-up assessment. If the area of paint to be stabilized exceeds the de minimus level, program staff should ensure that the clearance inspection is conducted by an independent certified lead professional. A certified

lead professional may go by various titles, including a certified paint inspector, risk assessor, or sampling/clearance technician. Note, the clearance inspection cannot be conducted by the same firm that is repairing the deteriorated paint.

1. Has a follow-up visual assessment of the unit been conducted?
  - a. Yes
  - b. No
2. Have all identified problems with the paint surfaces been repaired?
  - a. Yes
  - b. No
3. Were all identified problems with paint surfaces repaired using safe work practices?
  - a. Yes
  - b. No
  - c. Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.
4. Was a clearance exam conducted by an independent, certified lead professional?
  - a. Yes
  - b. No
  - c. Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.
5. Did the unit pass the clearance exam?
  - a. Yes
  - b. No
  - c. Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.

Note: A copy of the clearance report should be placed in the program participant's file.

#### **ATTACHMENT 1: LEAD-BASED PAINT VISUAL ASSESSMENT CERTIFICATION TEMPLATE**

I, \_\_\_\_\_, certify the following:  
(print name)

I have completed HUD's online visual assessment training and am a HUD-certified visual assessor.

I conducted a visual assessment at \_\_\_\_\_ on  
(property address and unit number)  
\_\_\_\_\_.  
(date of assessment)

No problems with paint surfaces were identified in the unit or in the building's common areas.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Client Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

## Notices

Notices are NOT included in the appendix. Please download this PDF to your computer and then open up the PDF attachments.